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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,135	07/19/2001	G. David Lisch	8330-000221	6864

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EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,135

Applicant(s)

LISCH ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiatt et al (4,382,760: figures 3-5, 9-11, 13 and 14; column 4, line 47 to column 5, line 17 and column 9, lines 39-58).

Wiatt et al teach an apparatus for forming a container from a preform (20) having a finish portion comprising: a first mold section (322), a second mold section (332) and a cavity therebetween (see figures 10 and 11), a mandrel (on the lower portion of chuck 208 as shown in figure 3 and 4 contacting the inside neck portion of the preform 20) having a preform (20) thereon, the first and second mold sections adapted to open and close about the mandrel (see figures 9 and 10), and opposing jaw members (232, 236) adjacent to the mold members in the blow molding station, the jaw members (232, 236) having ends conforming to the finish portion of the preform as shown in figure 3, the jaw members being biased by a set of resilient springs (246, 248) to compress the finish between the jaw member and the mandrel to hold the container to the mandrel during opening of the first and second molds.

Allowable Subject Matter

3. Claims 11-20 are allowed over the prior art of record.

4. Claims 2-4 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 11, the closest prior art (Wiatt et al 4,382,760) discloses a method of blowing a container in a mold from a preform having a finish wherein clamping jaws are used to support the container on a mandrel after blow molding; however, the reference fails to disclose or suggest a step of attaching the jaw member(s) to one of the blow molding sections or removing the container on the mandrel after the jaw member is translated away from the finish. It is clear that the jaw members of Wiatt et al are not removed until the mandrel has been removed from the mold and located at an ejection station as shown in figures 13 and 14.

In regards to claim 2, the apparatus of Wiatt et al fails to disclose or suggest the jaw member(s) being retracted away from the finish when said first and second blow molding sections traverse to a fully open condition as discussed above in regard to claim 11.

In regards to claim 3, the apparatus of Wiatt et al fails to disclose or suggest the resilient member being disposed around a guide bar as the reference teaches a couple of levers (232, 236) which pivot on pins (234, 238).

In regards to claim 4, the apparatus of Wiatt et al fails to disclose or suggest the jaw member being slidably attached to one of the first and second mold sections by a guide bar as discussed above in relation to claims 3 and 11.

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Gasmire (3,079,631) and Adams et al (2,998,621) disclose a method and apparatus for extrusion blow molding a tube between a couple of molding sections wherein holding members located on guide bolts are used to guide the tube centrally through the mold members and wherein the holding members actually hold a portion of the tube therein; however, the holding members do not conform to the finish of the preform or the container. In regards to Adams et al, the mold has a cutting edge (65) that cuts into the tube, as such it is clear that the finish of the container is above the cutting edge and the holding members (18, 19) hold the portion below the cutting edge. In regards to Gasmire, holding members form indents in the top of the cut tube T' as shown in figure 6 above the neck finish of the bottle. This portion will inherently be removed such that the threads of the neck finish can be associated with a container closure as well known in the art. Accordingly, there is no motivation in either Gasmire or Adams et al to modify the holding jaw members to a location where the holding jaw members conform to the finish of the preform and/or the container.

Czesak et al (6,213,756) and Molinaro (RE32,243) are cited to establish that the finish portion of a container is the portion intended to engage a closure for sealing the container.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show various blow molding apparatus and methods. Pollock et al (3,854,855) discloses holding bolts (319) that support a flash portion of the container as shown in figure 4. This reference also discloses a

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needle to blow the container and thus there is no compressing of the finish between the bolts and a mandrel. Duga (4,299,371) discloses a preform mold instead of a blow mold wherein the entire purpose of ejector pins (12) is to prevent damage to the finish when the parison is not fully cooled in a delay stretch injection-molding machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 703-308-2625. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Robert B. Davis
Primary Examiner
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6/28/03

June 28, 2003